

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Forest Department – Sanction of Prosecution Orders under the Prevention of Corruption Act, 1988 against Sri Shaik Gani Basha, Divisional Manager, Forest Development corporation Ltd, Nellore division, Nellore District-orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.IV) DEPARTMENT

G.O.MS.No. 81

Dated: 01-10 -2014.

ORDER:-

1. WHEREAS, Sri Shaik Gani Basha, S/O Rehamthulla, Aged 53 years Divisional Manager, Andhra Pradesh Forest Development corporation Limited, Sri Potti Sri Ramulu Nellore District from 01-11-1982 to 23-08-2013 and by virtue of the post held by him, he falls under the category of Public Servant as defined under Section 2 (c) of the Prevention of Corruption Act, 1988.

2. AND WHEREAS, Sri Mannaepalli Nagaraju, S/o. Subrahmanyam, Aged 53 years Contractor, Kovvurupalli Village, Bongole Mandal, Sri Potti Sri Ramulu Nellore District.

3. And WHEREAS, it is alleged that on 20-08-2013 Sri. Mannaepalli Nagaraju, S/o. Subrahmanyam, Aged 53 years, Contractor, Kovvurupalli Village, Bongole Mandal, Sri Potti Sri Ramulu Nellore District is working as contractor in Andhra Pradesh Forest Development Corporation Limited, Pinakini Vana Vihar, Forest Complex, which is opposite to Nippo Factory at Nellore for the last 18 years. Previously he got work orders for contract works like Fire wood, ploughing and cutting of bushes from the Divisional manager and the bills also collected. On 14-06-2013 he participated in tenders for ploughing in Dagadarthi plantations i.e. 45 Hectors in Package No.I, 76.80 Hectors in Package. No. II and 135 Hectors in package NO. VII and got the works orders. While raining in the month of July, the officials of forest department instructed him to plough the lands. At that time there was no agreement. He agreed for ploughing with the rate fixed by the department and put signatures before the Ranger. He completed the ploughing in 48 hectors in Package. No.I and 76.80 hectors in Package No.II on 02-08-2013, the Divisional Manager Sri. S. Gani Basha entered into an agreement with him at Rs. 1,750/- per hector for the above work and work order also given to him. As this works were started earlier and the works were completed before 04-08-2013. For the total extent of 124.80 hectors works were executed for an amount of Rs.2,18,400/- and it has to be received by him. With regard to package No.VII for ploughing to a tune of Rs.2,16,000/- i.e Rs.1600/- per hector to be received by him. In total an amount of Rs.4,34,400/- is pending payable to him. One week back when he asked the Divisional Manager about the payment of the bills, the Divisional Manager demanded Rs. 1 lakh to complete the bills. He did not agree for that and came back. On 19.08.2013 he once again met the said Divisional Manager S. Gani Basha and asked about the bills. The Divisional Manager enquired once again about bribe amount. He expressed his inability to pay such amount. Then the Divisional Manager demanded him that if he pays minimum Rs. 50,000/- he will complete that work. As there was no other option, he accepted for that and he informed that he will come and meet him within two days by adjusting the amount. He is not interested to pay the bribe amount to Divisional Manager actually. He requested to take necessary action against the Divisional Manager, APFDC Ltd., Nellore Division, who demanded bribe amount of Rs. 50,000/- for payment of bills and do him justice.

4. AND WHEREAS, it is alleged that after following due procedure, the DSP ACB, Nellore registered the said report as case in Cr.No.20/RCT-NLR/2013 under section 7 of Prevention of corruption Act, 1988 on 21-08-2013 at 09-00 AM and took up investigation. DSP conducted Pre trap proceedings in his office on 21-08-2013 from 10:40 to 11:40 AM at his office in the presence of LW1, Mediators and other staff. All the formalities were observed and complied with.

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5. AND WHEREAS, it is alleged that after completion of pre trap proceedings, the trap party led by the DSP, ACB along with LW.1 left the ACB office at 11.45 hours and reached the vicinity of opposite to Nippo Factory main gate at 11.55 hours and took vantage positions. On that Sri Mannaepalli Nagaraju entered into the office room of Accused Officer and at about 12.20 hours, then he gave pre arranged signal and immediately the trap party entered into the office room of Accused Officer and found one person sitting in chair. The DSP disclosed his identity and ascertained the identity of the said person as AO. The DSP organized the chemical test on the both hand fingers of A.O and the right hand fingers yielded positive result. On questioning about the bribe amount, the A.O produced a wad of currency notes from his right side table drawer. The mediators counted and compared the numbers and denominations of the currency notes already noted in the Pre-trap proceedings and found them tallied. The DSP also subjected the upper portion of the folded papers with the help of cotton swab and rinsed the swab and it also yielded positive result in chemical test. He seized the said tainted currency notes of Rs. 50,000/- along with the folded papers and 2 sealed bottles containing the chemical washes. He also seized the above currency notes for the purpose of investigation and also the relevant records.

6. AND WHEREAS, it is alleged that later the DSP examined the scene of offence and got prepared the rough sketch of scene of offence and it was attested by the mediators. Later he arrested the A.O at 19.05 hours on 21-08-2013 after explaining the grounds of arrest. The above proceedings were reduced in to writing in the form of the mediator report NO.2 in detail. The A.O was produced before the Hon'ble Spl Judge SPE & ACB Cases, Nellore on 22-08-2013 for judicial remand and later the AO was released on bail by this Hon'ble Court.

7. AND WHEREAS, the above said acts of the said Sri. S. Ghani Basha S/O Rehamthulla, constitute the offences punishable under sections 7, 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act 1988.(Act 49 of 1988);

8. AND WHEREAS, the Government of Andhra Pradesh being the competent authority to remove the said Sri. S. Ghani Basha after fully and carefully examining the materials viz, copy of FIR, copies of statements of witnesses, copies of documents and mediator reports and other material placed before them, in regard to the said allegations and having regard to the facts and circumstances of the case consider that the said Sri. S. Ghani Basha should be prosecuted in a court of law for the said offences.

9. Now therefore in the exercise of the powers conferred by clause (b) of sub section (1) of section 19 of Prevention of corruption Act 1988, (Act 49 of 1988), the Government of Andhra Pradesh, Hyderabad hereby accord sanction for the prosecution of the afore said Sri. S. Ghani Basha S/o Rehamthulla, Aged 53 years Divisional Manger APFDC Limited, Sri Potti Sri Ramulu Nellore District for the offences punishable under section 7 and sub section (2) of section 13, read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act 1988 and for any other cognate offences punishable and for any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, Anti-corruption Bureau, Andhra Pradesh,
Hyderabad.

Copy to:
The Law (G) Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER